

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.27(a))-NONPROFIT ORGANIZATION

DOCKET NUMBER: 0050.1613-002

Applicant: Alan J. Kirby

Application:

Filed:

Title: Hybrid Electronic/Optical Switch System

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION Massachusetts Institute of Technology

ADDRESS OF NONPROFIT ORGANIZATION 77 Massachusetts Avenue

Cambridge, Massachusetts 02139

TYPE OF NONPROFIT ORGANIZATION:

- [X] UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- [] TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C.501(a) and 501(c)(3))
- [] NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
- [] WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
- [] WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.27(a)(3) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- [X] the specification filed herewith with title as listed above.
- [] the application identified above.
- [*] the patent identified above.

I hereby state that the rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities. No rights to the invention are held by any person who would not qualify as a person under 37 CFR 1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

Each person, concern, or organization having any rights in the invention is listed below:

- [X] no such person, concern, or organization exists.
- [] each such person, concern, or organization is listed below.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

NAME OF PERSON SIGNING _____ Rita M. Filipowicz

TITLE IN ORGANIZATION OF PERSON SIGNING _____ Patent Administrator

ADDRESS OF PERSON SIGNING _____ 5 Cambridge Center, Kendall Square, Room NE25-230, Cambridge, MA 02142-1493

SIGNATURE _____ DATE _____ 2/9/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent ApplicationCOPY FOR CONTINUING
APPLICATION

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

HYBRID ELECTRONIC/OPTICAL SWITCH SYSTEM

the specification of which (check one)

[X] is attached hereto.

[] was filed on _____ as United States Application

Number or PCT International Application No. _____

and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>	<u>Priority Not Claimed</u>	<u>Certified Copy Filed?</u>
	YES	NO
(Number) _____	(Country) _____	(Day/Month/Year filed) _____
[]	[]	[]
(Number) _____	(Country) _____	(Day/Month/Year filed) _____
[]	[]	[]
(Number) _____	(Country) _____	(Day/Month/Year filed) _____
[]	[]	[]

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

<u>60/125,024</u> (Application Number)	<u>March 18, 1999</u> (Filing Date)
_____	_____

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)

As a named inventor, I hereby appoint the attorneys and/or agents associated with
Hamilton, Brook, Smith & Reynolds, P.C., Two Militia Drive, Lexington, Massachusetts 02421-4799
Customer No. 21005,

and _____
to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

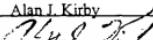
Please send correspondence to: Customer No. Noted Above
or
 Address below:

James M. Smith, Esq.
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
Two Militia Drive
Lexington, MA 02421-4799

Direct telephone calls to: James M. Smith, Esq. Telephone No.: 781-861-6240

Direct facsimiles to: James M. Smith, Esq. Facsimile No.: 781-861-9540

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole
or first inventor Alan J. Kirby
Inventor's Signature 
Residence 17 Mendelssohn Drive
Hollis, NH 03049
Citizenship U.S.A.
Post Office Address Same as above

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

**POWER OF ATTORNEY OR
AUTHORIZATION OF AGENT AND
CORRESPONDENCE ADDRESS**

<i>Application Number</i>	
<i>Filing Date</i>	
<i>First Named Inventor</i>	Alan J. Kirby
<i>Confirmation Number</i>	
<i>Group Art Unit</i>	
<i>Examiner Name</i>	
<i>Attorney Docket Number</i>	0050.1613-002

Title HYBRID ELECTRONIC/OPTICAL SWITCH SYSTEM

I/we hereby appoint

[X] the attorneys/agents associated with Customer No. 021005

[] Practitioner(s) named below:

as my/our attorneys/agents to prosecute the application identified above, including any continuation or divisional applications thereof, and to transact all business in the United States Patent and Trademark Office connected therewith.

The correspondence address for the above-identified application is:

[X] Customer Number 021005

Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road
P.O. Box 9133
Concord, Massachusetts 01742-9133

[] Other _____

Please direct all telephone calls and facsimiles to:

Name James M. Smith, Esq. Tel. No. 978-341-0036 Fax No. 978-341-0136

I am the:

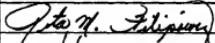
[] Applicant/Inventor.

[X] Authorized representative of the Assignee, Massachusetts Institute of Technology, of the entire interest. See 37 C.F.R. § 3.71. A Statement under 37 C.F.R. § 3.73(b) is enclosed.

[] Authorized representative of the Assignee, [], together with [], of the entire interest. A Statement under 37 C.F.R. § 3.73(b) is enclosed.

SIGNATURE of Applicant or Assignee of Record

Name & Title Rita M. Filipowicz, Patent Administrator

Signature 

Date 9/4/03

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Applicant: Alan J. Kirby

Application No.: _____ Filed: _____

For: HYBRID ELECTRONIC/OPTICAL SWITCH SYSTEM

Massachusetts Institute of Technology, a university
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. the assignee of the entire right, title and interest in the patent application identified above; or
B. an assignee together with [] of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 010186, Frames 0130-0132, or a copy thereof is attached.

OR

- B. A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 9/9/03

Name: Rita M. Filipowicz

Title: Patent Administrator

Signature: Rita M. Filipowicz